



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

VOLLHARDT et al

Atty. Ref.: **4804-2**

Serial No. **10/559,625**

Group: **Unassigned**

Filed: **December 6, 2005**

Examiner: **Unassigned**

For: **TOPICAL AGENT CONTAINING PHYTANIC ACID OR A
DERIVATIVE THEREOF**

* * * * *

March 22, 2006

Commissioner of Patents
P. O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO AND REQUEST FOR WITHDRAWAL OF ERRONEOUSLY ISSUED
NOTIFICATION OF MISSING REQUIREMENT**

Sir:

The following comments and attachments hereto are intended to be fully responsive to the Notification of Missing Requirements dated March 1, 2006 (copy attached, and hereinafter referred to as "the Notification"), which set a nominal response due date of May 1, 2006. Specifically, as will become evident from the discussion below and attached evidence, the Notification was issued in error and therefore should be withdrawn.

Applicants note in this regard that the Notification alleges that the translation of the application into English and the processing fee have not been filed. However, the records of the applicants' undersigned attorney show that such formalities were in fact timely filed in the U.S. Patent and Trademark Office on December 6, 2005. A copy of date-stamped postcard receipt which evidences the Office's acknowledgement of receipt of the certified English-language translation of the application on that date is attached as Exhibit A. In the event the translation has become misplaced in the Office's records, a duplicate copy of the same as filed on December 6, 2005 is also attached.

03/27/2006 11:00:00 AM 00000116 141140 10559625

01 FD:1500 136.00 DA

VOLLHARDT et al
Serial No. 10/559,625

It is believed that no fees are required in this matter since the certified English language translation of the application was in fact timely filed on December 6, 2005. However, should the Office deem otherwise, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14 1140.

Favorable further action in this matter consistent with the above comments is solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

Bryan H. Davidson
Reg. No. 30,251

BHD:bcf
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

BHP
4804-2



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/559,625	Jurgen Herber Volihardt	4804-2

INTERNATIONAL APPLICATION NO.

PCT/EP04/06520

I.A. FILING DATE	PRIORITY DATE
------------------	---------------

06/17/2004

06/17/2003

23117

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

CONFIRMATION NO. 2804

371 FORMALITIES LETTER



OC000000018153483

4804-2

3/1/06

May 1, 2006

DEADLINE Oct 1, 2006

FILED BY BAE/

Date Mailed: 03/01/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/06/2005
- Copy of the International Search Report filed on 12/06/2005
- Preliminary Amendments filed on 12/06/2005
- Information Disclosure Statements filed on 12/06/2005
- Oath or Declaration filed on 12/06/2005
- Request for Immediate Examination filed on 12/06/2005
- U.S. Basic National Fees filed on 12/06/2005
- Assignment filed on 12/06/2005
- Priority Documents filed on 12/06/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. Note a processing fee will be required if submitted later than 30 months from the priority date.
- Processing fee of \$130 for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(i)).

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 for English translation surcharge required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PATRICIA A BOOKER

Telephone: (703) 308-9140 EXT 204

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/559,625	PCT/EP04/06520	4804-2

FORM PCT/DO/EO/905 (371 Formalities Notice)